

Message Text

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ORIGIN EUR-12

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C O N F I D E N T I A L STATE 151473

USNMR SHAPE FOR POLAD

E.O. 11652: GDS

TAGS: MOPS, TU, UR

SUBJECT: TURKISH CONSTRAINTS ON SOVIET USE OF STRAITS IN
PEACETIME

1. WE BELIEVE IT IS NOT ADVISABLE TO RAISE SUBJECT OF
TURKISH CONSTRAINTS ON SOVIET USE OF STRAITS AND AIRSPACE
IN DISCUSSIONS RELATING TO EFFORT TO LIFT EMBARGO. WE
BELIEVE ANY COMMENT ON STRAITS AND STRATEGIC IMPORTANCE
OF TURKEY SHOULD BE CLEARLY LINKED TO TURKEY'S NATO COM-
MITMENTS.

2. IN 1973 MIDEAST CRISIS, TURKEY DID NOT RESTRICT SOVIET
SEA OR AIR ACTIVITIES. IN 1977-78 SOVIET-ETHIOPIA AIR-
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LIFT, TURKEY PROTESTED THAT NUMBER OF FLIGHTS APPEARED
INCONSISTENT WITH TERMS OF MONTREUX CONVENTION. ISSUE
SUBSIDED BEFORE FURTHER ACTION WOULD HAVE BEEN REQUIRED.
OUR EXPERIENCE IN DCA NEGOTIATIONS LEADS US TO BELIEVE
TURKS RELUCTANT TO BE INVOLVED IN NON-NATO CONFLICTS.

3. IN PEACETIME, THE TRANSIT OF ALL WARSHIPS THROUGH THE

TURKISH STRAITS IS GOVERNED BY ARTICLES 10-18 OF THE MONTREUX CONVENTION. IN GENERAL, WARSHIPS HAVE A RIGHT OF TRANSIT SUBJECT TO PRIOR NOTICE TO TURKEY UNDER ARTICLE 13 AND CERTAIN OTHER RESTRICTIONS. IN TIME OF WAR IN WHICH

TURKEY IS NOT INVOLVED, NONBELLIGERENT WARSHIPS CONTINUE TO ENJOY THESE RIGHTS OF TRANSIT UNDER ARTICLE 19. BELLIGERENT WARSHIPS, HOWEVER, ARE GENERALLY BARRED FROM THE STRAITS. IN MIDDLE EAST CONFLICT, OR OTHER CONFLICT WHERE USSR IS A SUPPLIER OF ARMS AND EQUIPMENT, WE BELIEVE GOT NOT LIKELY TO REGARD USSR AS A BELLIGERENT, HENCE ITS WARSHIPS ENTITLED TO FREEDOM OF PASSAGE. IN CASE WHERE TURKEY IS BELLIGERENT, THE PASSAGE OF WARSHIPS IS LEFT TO TURKISH DISCRETION (ARTICLE 20), AND TURKEY CAN APPLY ARTICLE 20 WHEN IT CONSIDERS ITSELF THREATENED WITH IMMINENT DANGER OF WAR (ARTICLE 21).

4. IN PEACETIME, MERCHANT VESSELS OF ANY FLAG ENJOY FREEDOM OF TRANSIT (ARTICLE 2), SUBJECT TO CERTAIN FORMALITIES AND CHANGES. IN WARTIME, WHEN TURKEY IS NOT A BELLIGERENT, ALL MERCHANT VESSELS "WITH ANY KIND OF CARGO" RETAIN THESE RIGHTS OF TRANSIT.

5. FOR CIVIL AIRCRAFT, PERTINENT PROVISION OF MONTREUX CONVENTION, ARTICLE 23, STATES "IN ORDER TO ASSURE THE PASSAGE OF CIVIL AIRCRAFT BETWEEN THE MEDITERRANEAN

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AND THE BLACK SEA, THE TURKISH GOVERNMENT WILL INDICATE THE AIR ROUTES AVAILABLE FOR THIS PURPOSE, OUTSIDE THE FORBIDDEN ZONES WHICH MAY BE ESTABLISHED IN THE STRAITS. CIVIL AIRCRAFT MAY USE THESE ROUTES PROVIDED THAT THEY GIVE THE TURKISH GOVERNMENT, AS REGARDS OCCASIONAL FLIGHTS, A NOTIFICATION OF THREE DAYS, AND AS REGARDS FLIGHTS ON REGULAR SERVICES, A GENERAL NOTIFICATION OF THE DATES OF PASSAGE."

6. ADMINISTRATION SPOKESMEN HAVE NOTED THAT TURKEY DID PROTEST SOVIET OVERFLIGHTS TO ETHIOPIA AS INCONSISTENT WITH CIVIL AVIATION PROCEDURES OF MONTREUX CONVENTION.

7. FOR ANKARA: ANY COMMENT ON FOREGOING SHOULD BE SENT BY IMMEDIATE CABLE TO DEPARTMENT. CHRISTOPHER

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